

REGULAR CITY COUNCIL MEETING
JUNE 23, 1997

PRESENT

Don Dafoe
Gayle Bunker
Robert Dekker
Robert Droubay
Dale Roper
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

Neil Forster

Public Works Director

ALSO PRESENT

Dorothy Jeffery
Richard Waddingham
Alan Riding
Deb Greathouse
Greg Schafer
Brett Greathouse

City Recorder
City Attorney
Asst. Public Works Director
City Librarian
City Employee

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Dale Roper offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of Public Hearing #1 held June 9, 1997 were presented for consideration and approval. Council Member Gayle Bunker requested that the first paragraph on Page 2 be changed to clarify the change from 40 cents to 45 cents per thousand gallons of water usage over the minimum amount. Council Member Gayle Bunker MOVED to approve the minutes of Public Hearing #1 held June 9, 1997, as corrected. The motion was SECONDED by Council Member

Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of Public Hearing #2 held June 9, 1997 were presented for consideration and approval. Council Member Gayle Bunker MOVED to approve the minutes of Public Hearing #2 held June 9, 1997, as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions concerning the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held June 9, 1997 were presented for consideration and approval.

Council Member Dale Roper requested clarification of Page 2, paragraph 5, line #2 regarding light poles. The sentence should be changed to state: "There are currently four poles in place; one pole is just North of the Bus Garage."

Council Member Rob Droubay requested that the item on Page 5 regarding the Cemetery Fence be corrected to state that the L.D.S. Church Wards participating in the project include: Delta 5th Ward, Delta 1st Ward, Delta 3rd Ward, and Delta 6th Ward.

Council Member Gayle Bunker noted that the last paragraph on Page 5, line 2 should be changed to read: "The cost of wrought iron fence to the West and South sides of the cemetery would be \$6,167." In addition Council Member Bunker requested that Page 3, Paragraph 3, Line 8, regarding the change in water rates, be changed to reflect the change of 5 cents in water overage rates include "(40 cents to 45 cents) per thousand gallons".

City Attorney Waddingham requested clarification on who the credit cards would be issued to. Mayor Dafoe stated that the credit cards would be issued in the name of Delta City, and will be controlled by the Mayor, Public Works Director, and City Recorder. Council Member Dale Roper requested that a change be made on Page 4, Paragraph 1, Line 5, to end the sentence after the word "employees" and delete the balance of the sentence.

City Attorney Waddingham requested a change on Page 5, Paragraph 1, regarding the Municipal Sales and Use Tax Ordinance, the first complete sentence should be changed to read: "A restructuring of the industry has taken place which creates an opportunity for increased competition within the industry." The following sentence should be changed to read: "As a result of the restructuring, the fairness and effectiveness of the revenues collected was diminished."

Council Member Glen Swalberg requested that Page 4, Paragraph 3, Line 3, regarding Millard County Tourism, be changed to delete the last sentence referring to the Chamber of Commerce requesting reimbursement.

Following the discussion, Council Member Dale Roper MOVED to approve the minutes of the Regular City Council Meeting held June 9, 1997, as corrected. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following lengthy discussion of the accounts payable, Council Member Robert Droubay MOVED to approve the accounts payable in the amount of \$81,386.68. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

There were no unfinished business items on the agenda.

NEW BUSINESS

MAYOR DON DAFOE: AMENDMENT TO FISCAL YEAR 1996-1997 DELTA CITY BUDGET

RESOLUTION NO. 97-248

A RESOLUTION AMENDING RESOLUTIONS 96-242, 97-245 AND 97-246 AND THE BUDGETS ADOPTED THEREBY TO PROVIDE FOR AMENDMENTS TO THE FISCAL YEAR 1996-1997 BUDGET OF THE CITY OF DELTA, UTAH.

Mayor Dafoe reviewed the amendments to the Fiscal Year 1996-1997 Delta City Budget. Mayor Dafoe advised the Council that there is \$240,000 left in Streets and Drainage Capital Projects, which gives an approximate 12.9% fund balance. The City is required to be in the 5% to 18% range in fund balance. There is an item for equipment acquisition which is for a front end loader to be used for street maintenance, snow removal, clean up, and other projects. It is proposed that \$50,000 be set aside for equipment acquisition now, and use a portion of the Class C Road monies for Fiscal Year 1997-1998 to complete the funds necessary for purchase of the front end loader.

Mayor Dafoe added that there will be an expenditure from Fund 47, Street & Drainage Capital Projects, in the amount of approximately \$10,000 for 1,500 feet of 15" pipe which was recently ordered.

In addition, Mayor Dafoe mentioned that Fund 48, Horizontal Revenue Sharing, shows \$5,500 budgeted for park fences, which has a balance of \$5,000. This balance can be used to pay for a portion of the cemetery fence.

Following discussion of amendments to the Fiscal Year 1996-1997 Delta City Budget, Council Member Robert Droubay MOVED to adopt Resolution 97-248 amending the Fiscal Year 1996-1997 Delta City Budget. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Gayle Bunker	Yes
Robert Dekker	Yes
Robert Droubay	Yes
Dale Roper	Yes
Glen Swalberg	Yes

CITY ATTORNEY RICHARD WADDINGHAM: DELTA CITY MUNICIPAL SALES & USE TAX ORDINANCE.

ORDINANCE NO. 97-181

AN ORDINANCE ADOPTING A MUNICIPAL ENERGY SALES AND USE TAX ON NATURAL GAS AND ELECTRICITY PURSUANT TO THE "MUNICIPAL ENERGY SALES AND USE TAX ACT".

City Attorney Richard Waddingham reviewed the proposed ordinance with the Mayor and Council. He noted that Page 3 has a blank space for insertion of the tax rate Delta City is going to charge for sale or use of taxable energy. He advised the Council that the maximum amount allowed by law is six percent (6%). Delta City currently charges four percent (4%) as franchise tax, which this tax replaces. It was the feeling of the Council that the tax rate should remain at four percent (4%).

Attorney Waddingham told the Council that the statute allows the City to collect the tax directly or to contract with the State Tax Commission to collect the tax. If the City contracts with the State Tax Commission, the energy sales and use tax would be handled like the sales taxes are handled. It is Attorney Waddingham's recommendation that Delta City contract with the Utah State Tax Commission for collection of the energy sales and use tax.

Following discussion, Council Member Robert Dekker MOVED to adopt Ordinance No. 97-181 adopting a municipal energy sales and use tax on natural gas and electricity pursuant to the "Municipal Energy Sales and Use Tax Act" and authorize the Mayor to sign a contract with the State Tax Commission for collection of the tax. The motion was SECONDED by Council

Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Gayle Bunker	Yes
Robert Dekker	Yes
Robert Droubay	Yes
Dale Roper	Yes
Glen Swalberg	Yes

BRETT GREATHOUSE: HOME PAGE FOR DELTA CITY ON INTERNET

Brett Greathouse stated that he has spoken with the Mayor and all of the Council Members by telephone about his idea for Delta City to sign up on the Internet. He advised the Council that a number of small towns and cities are signing up; Fillmore City signed up last week. This is the trend for the way businesses will obtain and exchange information in the future. Mr. Greathouse indicated that the most used internet access is for E-mail, where people are able to communicate instantly. He advised the Mayor and Council of various aspects of internet access, usage, and costs. Mr. Greathouse would attempt to get Delta businesses to sign up for the service, which would decrease the cost to Delta City.

Following discussion, the Mayor and Council requested that Mr. Greathouse write a proposal for Delta City to be presented for approval at the July 14, 1997 meeting of the City Council. There was no Council action taken at this time.

OTHER BUSINESS

Mayor Dafoe reminded the City Council that they all need to be available to ride in the parade on July 4th.

Mayor Dafoe told the Council that City Recorder Dorothy Jeffery has been approached by Jackie Nielson and Pam Goodrich regarding a playground at Delta Manor Apartments. They have proposed that the playground be constructed from donations, then would like to have the City take over maintenance of the playground. It was the feeling of the Council that the City should not be involved in a playground which would not be owned by the City, could not be supervised, and would present equipment maintenance problems. City Recorder Dorothy Jeffery advised the Council that she had contacted the City insurance company who had told her that they would not extend insurance for the playground because the property would not be owned by Delta City.

Mayor Dafoe reported to the Council that he had attended the banquet for the Utah Police Officers Association, which had their convention in Delta last weekend. At that banquet, Mayor Dafoe was presented with a plaque expressing their appreciation for the warm welcome they received in Delta and for the facilities which had been provided. There were many comments that our shooting range was the best they had used in the State. In addition, they expressed a desire to return to Delta for their convention in 1999.

Council Member Rob Droubay advised the Council that he had received the first donation for the Delta City marquee sign from Zions Bank, in the amount of \$1,000. Council Member Droubay told the Council that he has another \$11,000 committed. Most of the businesses who have committed donations for the project have requested an invoice to pay from and Council Member Droubay distributed copies of a proposed letter to be sent to those businesses. The Mayor and Council approved mailing of the letter to the businesses who have committed donations for the sign. Council Member Droubay also distributed a proposed Notice to Bid on the sign for Council input and approval. It is proposed that the sign be 20 feet tall, with a reader board four feet by ten feet and include a fixed sign such as "Welcome to Delta", which will be approximately two feet tall. The sign would be controlled by computer from the Delta City Office. The Council approved sending the Notice to Bid to Young Electric Sign Company and to Bona Signs.

Council Member Glen Swalberg mentioned that the street light next to the driveway to the School District office is damaged and the street light in the City Park near the old tennis court is out, which makes that area very dark. The Council felt that we need to repair these two lights. Assistant Public Works Director Alan Riding stated that those two lights are maintained by Utah Power & Light. Council Member Glen Swalberg will talk with Bruce Peterson at UP&L about repairing or replacing the pole at the School District driveway. Asst. Public Works Director will check on the light on the northeast corner of the City Park.

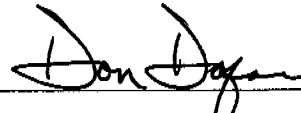
Council Member Gayle Bunker noted that, in the minutes of the June 9, 1997 City Council Meeting, there was a discussion of the street lights on 450 North Street. Council Member Bunker voiced his opinion that the street lights are for the purpose of lighting our streets and should be placed on the street side of poles rather than on the parking lot side of the pole as requested by the School District.

Council Member Robert Dekker requested that an updated list of projects which are being done by the Public Works Department be prepared, so that all Council Members are informed and can be knowledgeable when approached by constituents.

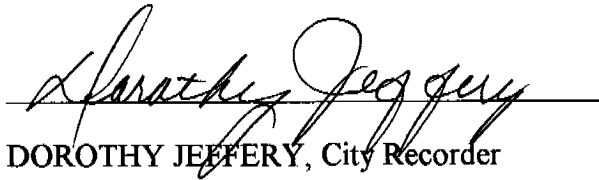
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Mayor Dafoe asked if there were any comments or questions, or other items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe declared the meeting adjourned at 9:30 p.m.



DON DAFOE, Mayor



DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 07-14-97